

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

SAYBAH KEIHN (1)
JAMES PEABODY (3)

Defendants.

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Criminal Action No. 4:23-CR-00193-P

ORDER

Defendant’s August 2, 2023 motion for continuance—which the government and defendants do not oppose—is granted, and the trial of this case is reset to September 25, 2023 at 9:00 a.m. Pretrial filings based on the current trial setting are now due based on the new trial setting. Pretrial motions are now due no later than September 11, 2023.

Pursuant to 18 U.S.C. § 3161(h)(7)(A), the court can grant an “ends of justice” continuance at the request of a defendant or defendant’s attorney if the court does so on the basis of the finding “that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” *Id.* One of the factors the court may consider in granting an “ends of justice” continuance is “[w]hether the failure to grant such a continuance . . . would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” § 3161(h)(7)(B)(iv).

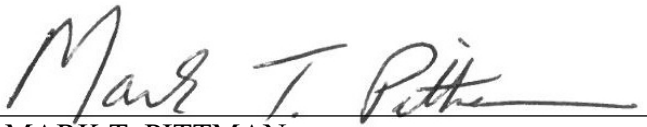
For the reasons set out in defendant’s motion, the court finds that (1) the ends of justice served by the granting of a trial continuance outweigh the best interests of the public and the defendant in a speedy trial; (2) the failure to grant a continuance in this case would deny

defendant's counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence; and (3) taking into account the exercise of due diligence by defense counsel, a continuance of the duration granted by this order is necessary for effective preparation by defense counsel.

Based on this order, the trial and motion deadline of codefendant(s) are continued as well. *See* 18 U.S.C. § 3161(h)(6) (excluding “[a] reasonable period of delay when the defendant is joined for trial with a codefendant as to whom the time for trial has not run and no motion for severance has been granted”).

SO ORDERED.

August 8, 2023.



MARK T. PITTMAN
UNITED STATES DISTRICT JUDGE